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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,822	08/21/2002	Dennis B. Hansen	02H1584	9781

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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,822

Applicant(s)

HANSEN, DENNIS B.

Examiner

Robert J. Popovics

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in-condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25 and 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25 and 27-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings submitted on **5/3/05**, have been stamped "**Best Available Copy**" indicating poor quality. New drawings are required. **The objection to the drawings will not be held in abeyance.**

Claim Rejections - 35 USC § 102

Claims **21-23,25,27-28,31-35** and **38-46** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Reicks (US 6,213,133)**. See, for example, Figure 2 and column 5, lines 15-30 and column 5, lines 15-40.

These claims specify various time intervals. It is submitted that the claimed intervals are inherent, or alternatively obvious, absent a showing of unexpected results or criticality specifically associated therewith, being parameters that would have been routinely manipulated/ optimized (e.g., to reduce required operation time).

Claim Rejections - 35 USC § 103

Claims **29-30** and **36-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Reicks (US 6,213,133)** and **Furrer (US 3,561,489)**.

Claims **29-30** and **36-37** differ from Reicks by specifying the use of a "**compressed fluid driven valve.**" Furrer discloses such a valve, having the benefits associated at **column 1, lines 15-20**. In view of the disclosure of Furrer, it would

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have been obvious at the time the invention was made, by employing a pneumatically powered valve such as that disclosed by Furrer in place of the electrically powered valves of Reicks, in order to attain the benefits taught by Furrer. Additional motivation to make such a valve substitution would exist when compressed air is readily available (such as in an automotive repair facility), or in an explosive or volatile environment where an electrical spark could cause an explosion or fire.

Response to Arguments

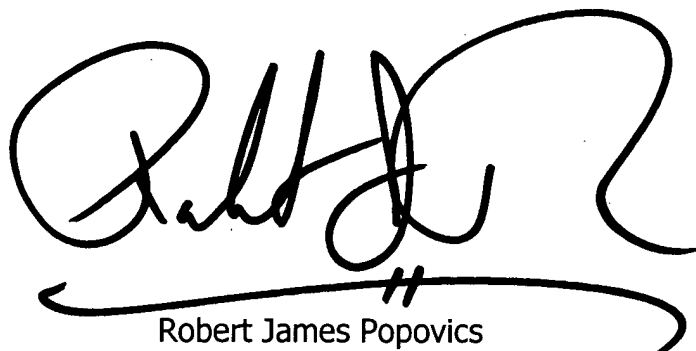
Applicant's arguments filed **May 3, 2005** have been fully considered but they are not persuasive. Applicant has argued that the Examiner has failed to show where Reicks '133 teaches or suggests the desirability of any short-term time frame. The Examiner asserted the claimed time frame was inherent. Applicant has not challenged this assertion. Things that are asserted to be inherent are typically not expressly stated to be. Hence, the reliance on "inherence." Applicant's attack on the obviousness rejection made in the alternative is noted, but not found to be persuasive. Column 5, lines 15-40 of Reicks '133 discusses some of the equipment known to those skilled in the art. Use of the valves, timers, etc. disclosed there, would have been routinely optimized by one of ordinary skill in the art to, for example, minimize processing time. An assertion of unexpected results or criticality is conspicuously absent from Applicant's Remarks.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A large, stylized handwritten signature in black ink, likely belonging to Robert James Popovics. The signature is written in a cursive, flowing style with a prominent loop at the end.

Robert James Popovics
Primary Examiner
Art Unit 1724

August 15, 2005